THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.9841 OF 2001

DATED 08.11.2005

-

BETWEEN

Akumarthi Nageshwar Rao, S/o A.Pullaiah,

R/o Poolapalli village, Palkol (Mandal),

West Godavari District.

… Petitioner

and

The Executive Officer, Lankala Koderu Grampanchayat,

Lankala Koderu via Palakol, West Godavari District.

… Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.9841 OF 2001

ORDER:

The petitioner claims to be an ex-serviceman. At his request, Tahsildar, Narsapur assigned land to an extent of Acs.2.00 in R.S.No.13/2 of Lankala Koderu village by proceedings dated 03.07.1974. Before doing so, the respondent Gram Panchayat also gave no objection vide resolution No.47 dated 25.07.1974. Alleging that the respondent tried to interfere, the petitioner filed suit being O.S.No.179 of 1991 on the

file of the Court of the Junior Civil Judge, Palkol. The suit was dismissed. The petitioner, therefore, filed appeal being A.S.No.9 of 2001 on the file of the Court of the Senior Civil Judge, Narasapur, which is still pending. At this stage, the petitioner again filed the present writ petition alleging that on 12.05.2001, the subordinate officials of the respondent Gram Panchayat tried to dispossess the petitioner. The petitioner prayed for a direction to the respondent not to interfere with the possession without following due process of law.

It is well settled that a person who approached the civil Court for redressal in common law cannot again invoke the jurisdiction of this Court under Article 226 of the Constitution of India. The petitioner admittedly filed a suit, which was dismissed. The appeal against the decree of trial Court is pending. Therefore, the petitioner's remedy is to approach the appellate Court and seek expeditious disposal of the appeal. In this writ petition, no relief, however, can be granted to the petitioner.

The writ petition is accordingly dismissed. There shall be no order as to costs.

_____

(V.V.S.RAO,J)

08.11.2005.

pln